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for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,  
Plaintiff,

v.

WIENER FAMILY LIMITED PARTNERSHIP,  
WIENER FAMILY HOLDING CORPORATION,  
MARVIN M. WIENER and SONDR A M.  
WIENER,

Defendants.

Adv. Pro. No. 10-04323 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through their counsel, Baker & Hostetler LLP, and (i) Wiener Family Limited Partnership; (ii) Wiener Family Holding Corporation; (iii) Marvin M. Wiener; and (iv) Sondra M. Wiener (“Defendants”), by and through their counsel, Fox Rothschild LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 26, 2010, the Trustee filed and served the Complaint against Defendants.

2. On July 31, 2015, Defendants filed and served the Answer to the Complaint on the Trustee.

3. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release on September 12, 2016.

4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each

of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

7. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

Date: September 14, 2016  
New York, New York

**BAKER & HOSTETLER LLP**

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LLC and the Estate of Bernard L. Madoff*

**FOX ROTHSCHILD LLP**

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Partnership, Wiener Family Holding  
Corporation, Marvin M. Wiener and Sondra  
M. Wiener*

**SO ORDERED**

Dated: September 16<sup>th</sup>, 2016  
New York, New York

/s/ STUART M. BERNSTEIN  
Hon. Stuart M. Bernstein  
United States Bankruptcy Judge